

No. 9/5/84-6Lab/7239.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and management of The Executive Engineer, Suburban Division H.S.E.B., Panipat :—

FOR SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 273/1983

between

SHRI BARU RAM, WORKMAN AND THE MANAGEMENT OF EXECUTIVE ENGINEER, SUBURBAN DIVISION, HARYANA STATE ELECTRICITY BOARD, PANIPAT

Shri Karan Singh, for the workman.

Shri S. S. Sirohi, for the management.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Baru Ram workman and the management of M/s Executive Engineer, Suburban Division, Haryana State Electricity Board, Panipat, to this Tribunal, for adjudication :—

Whether the termination of Shri Baru Ram was justified and in order? If not, to what relief is he entitled?

Notices were issued to both the parties. On the last date of hearing Shri S. S. Sirohi, representative of the Management, stated that the dispute between the workman and the Management had been settled—vide settlement Exhibit M-1 according to which the claimant would be taken back on duty in August, 1985 without back wages but he would be entitled to continuity of service and that the dispute was now left between the parties. Shri Karan Singh, representative of the workman, stated that the statement made by the representative of the Management was correct and that the dispute had been settled in terms of settlement Exhibit M. 1. In view of the testimony of Shri S. S. Sirohi, representative of management and Shri Karan Singh representative of the workman and recitals made in document Exhibit M-1, the dispute between the parties stands settled as mentioned in document M-1. The award is passed accordingly.

1, the 22nd August, 1985.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 662, dated the 22nd August, 1985.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 5th September, 1985

No. 9/5/84-6Lab/7361.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workmen and the management of Executive Engineer, Sub-Division No. VII, Canal Colony, Kurukshetra.

THE COURT OF SHRI V. P. CHAUDHRY, PRESIDING OFFICER, LABOUR COURT, AMBALA, (HARYANA)

Reference Nos. M-200 of 1984

M-212 of 1984

M-196 of 1984

201 of 1984

199 of 1984

Old Nos. 96 of 1982

286 of 1982

163 of 1983

164 of 1982

159 of 1982

VS SHRI RAM KUMAR, DEVI DAYAL, KISHAN CHAND, PANNA RAM AND SOHAN RAM WORKMAN AND THE MANAGEMENT OF THE EXECUTIVE ENGINEER, SUB-DIVISION NO. VII, CANAL COLONY, KURUKSHETRA

Shri Surinder Sharma, for the workman.

Shri D. P. Gupta, for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947 referred the disputes between Sarv Shri Ram Kumar, Devi Dayal, Kishan Chand, Punna Ram and Sohan Workmen and the Management of Executive Engineer, Sub-Division No. VII, Canal Colony, Kurukshetra to Labour Court, Faridabad. The terms of the reference are as under :—

“Whether the termination of services of Sarvshri Ram Kumar, Devi Dayal, Kishan Chand, Punna Ram and Sohan workmen is justified and in order? If not to what relief they are entitled to?”

Shri Ram Kumar etc. workmen have alleged that they were in the service of respondent-management. Their services were terminated without any notice, without making any payment in lieu of notice period and also not paid any retrenchment compensation, so their termination is unjust and they may be re-instated from the day of termination with benefit of continuity in service with full back wages.

Respondent contested all the 5 cases and contended that the S. Y. L. Wing is of Irrigation Department which is neither an industry nor the applicants are workmen. The references are bad for non-joinder and misjoinder of necessary parties. Labour Court has got no jurisdiction to try their disputes. It was also contended on merit that applicants remained absent. After applying proper procedure their services were terminated as no longer required. Order is just and valid.

When these cases came up before me their respondent moved an application that issue of industry (Whether S. Y. L. Wing is an industry or not) be tried as a preliminary issue. None of the parties preferred to lead any evidence, so this issue was considered as legal issue. So no evidence was called nor any evidence was recorded.

After hearing arguments from the authorised representatives of the parties as well as for Shri D. R. Gupta for respondent I would like to mention here Full Bench Judicial pronouncement of Punjab and Haryana High Court in case State of Punjab *versus* Kuldip Singh and another reported in 1983-Vol-SLR-Page 710 in which it was observed that Irrigation Department is not an industry.

But in another Division Bench Judicial pronouncement in case. Sat Pal *versus* The State of Punjab and others decided on 12th May, 1985 which an un-reported judgement reversed view was taken which necessitated to refer C.W.P. No. 3746 of 1983 in case Om Parkash *versus* the Management of Messrs Xen, S. Y. L. Division No. 7, Canal Colony, Kurukshetra. This CWP against the award delivered by the Presiding Officer, Labour Court, Faridabad was up-held in other words it was observed specifically that SYL wing of Irrigation Department does not come within the definition of Industry.

Secondly in these case I have to follow on the full bench judicial pronouncement and held that neither the applicants are workmen nor SYL wing of Irrigation Department is an industry, so reference are not maintainable, so no findings are required by this Court. The applicants are directed to agitate their grievances at a proper platforms. The time consumed by them while keeping the references pending in the Labour Court will not at all debar them from their right of limitation, in other words their limitations period shall stand from the day of the order of this court as a fresh.

One copy of each of the order be placed in all the references which shall be deemed to be disposed of by this single order.

V. P. CHAUDHARY,

Dated 20th May, 1985.

Presiding Officer,
Labour Court, Ambala.

Endorsement No. 1371/1778, Ambala City, the 31st July, 1985.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, with reference to their letter No. 8/6/84-6-Lab, dated 18th June, 1985 as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.